

The Honorable Barbara J. Rothstein

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DONALD TIMM, an individual; REED WIMAN, an individual; and PERIPHERY NEUROPHYSIOLOGY, a foreign limited liability company,

**Plaintiffs,**

V.

SEATTLE CHILDREN'S HOSPITAL, a Washington non-profit corporation; CHILDREN'S UNIVERSITY MEDICAL GROUP, a Washington non-profit Corporation; JEFFREY G. OJEMANN, M.D., an individual; SAMUEL BROWD, M.D., an individual; JONATHAN PERKINS, M.D., an individual; UW PHYSICIANS, a Washington non-profit corporation; PETER C. ESSELMAN, M.D.; and GREGORY KINNEY, PH.D., an individual,

### Defendants.

## **STIPULATION**

All parties in this case hereby stipulate as follows:

WHEREAS, Plaintiffs filed their Amended Complaint in this action on September 20, 2024

(“Complaint”);

1        WHEREAS, the Complaint spans 56 pages and consists of 252 paragraphs and asserts  
2 seven counts relating to the provision of intra-operative neuro-monitoring (“IONM”) services at a  
3 major Seattle hospital. The counts include common law and contract claims as well as state and  
4 federal retaliation claims brought under three separate statutory schemes;

5        WHEREAS, the Defendants anticipate filing two motions to dismiss the Complaint on  
6 December 11, 2024, per the parties’ stipulation dated October 3, 2024 (Docket No. 10). One of the  
7 motions will be on behalf of Defendants Seattle Children’s Hospital (“Seattle Children’s”) and  
8 Jeffrey G. Ojemann, M.D (the “Seattle Children’s Motion”). The other motion will be on behalf  
9 of the remaining six Defendants (the “UW Defendants”) who are all affiliated in some way with  
10 the University of Washington (the “UW Motion”). The Seattle Children’s Motion will address the  
11 claims asserted against Seattle Children’s and Dr. Ojemann (Counts I, II, V, VI, and VII), and the  
12 UW Motion will address the claims asserted against the UW Defendants (Counts III, IV, V, VI,  
13 and VII).

14        WHEREAS, the Complaint incorporates by reference numerous documents, including the  
15 contract Plaintiffs claim was breached and correspondence regarding the terms of the contract and  
16 contract renewal issues;

17        WHEREAS, Defendants believe that the factual and legal issues presented in this case meet  
18 the standard of extraordinary complexity set forth in Section II.A of this Court’s Standing Order  
19 For All Civil Cases to warrant this request for enlargements of the page limits for both briefs.  
20 Pursuant to Local Civil Rule 7(f), this Stipulation is being filed three days before the briefs are  
21 due, and accordingly the current drafts likely will undergo further revisions before filing.  
22 Nonetheless, both briefs will be at or under 8,400 words, the limit specified in Local Civil Rule  
23 7(e)(3). Defendants represent that the amount of material that needs to be addressed based on the  
24 lengthy complaint and documents referenced in it will not allow for briefs of 15 pages or less, the  
25 standard limit set forth in this Court’s Standing Order.

WHEREAS, as required by this Court's Standing Order, Section II.F, the parties met and conferred concerning the motions to dismiss on December 5, 2024, and plan to meet and confer again on December 9, 2024. If any agreement is reached the parties will promptly advise the Court, but as noted LCR 7(f) requires that this stipulation be filed by December 6, 2024.

WHEREAS, the requested relief will not affect any current deadlines in the case.

6 NOW THEREFORE, the parties stipulate and agree that the Seattle Children's Motion and  
7 the UW Motion will each be limited to 8,400 words or less. The parties further stipulate and agree  
8 that, pursuant to Local Civil Rule 7(f), Plaintiffs will also have up to 8,400 words for their  
9 responses to the motions to dismiss, and reply briefs for Seattle Children's/Dr. Ojemann and the  
10 UW Defendants will each be limited to one half the length of Plaintiffs' responses to each motion  
11 to dismiss. pac

**STIPULATED AND AGREED TO** this 5th day of December, 2024.

SIMMONS SWEENEY FREIMUND  
SMITH TARDIF PLLC

CORR CRONIN LLP

*s/ Bret S. Simmons*  
Bret S. Simmons, WSBA No. 255  
Melissa Nelson, WSBA No. 1743  
1223 Commercial Street  
Bellingham, WA 98225  
Ph: (360) 752-2000  
[bret@ssslawgroup.com](mailto:bret@ssslawgroup.com)  
[melissa@ssslawgroup.com](mailto:melissa@ssslawgroup.com)

*Attorneys for Defendants CUMG, Browd, Perkins, UWP, Esselman, and Kinney*

s/ Jeffrey B. Coopersmith  
Jeffrey B. Coopersmith, WSBA No. 30954  
Kevin C. Baumgardner, WSBA No. 14263  
Maia R. Robbins, WSBA No. 54451  
Mark T. Rutherford, WSBA No. 57519  
1015 Second Avenue, Floor 10  
Seattle, WA 98104-1001  
Ph: (206) 625-8600  
[jcoopersmith@corrchronin.com](mailto:jcoopersmith@corrchronin.com)  
[kbaumgardner@corrchronin.com](mailto:kbaumgardner@corrchronin.com)  
[mrobbins@corrchronin.com](mailto:mrobbins@corrchronin.com)  
[mrutherford@corrchronin.com](mailto:mrutherford@corrchronin.com)

*Attorneys for Defendants Seattle Children's Hospital and Jeffrey G. Ojemann, M.D.*

1 ERIC SIEGEL LAW, PLLC  
2

3 *s/ Eric L. Siegel*  
4

5 Eric L. Siegel (admitted *pro hac vice*)  
6 James E. Miller (admitted *pro hac vice*)  
7 888 17th Street, N.W., Suite 1200  
8 Washington, DC  
9 Ph: (202) 946-2962  
10 esiegel@ericsiegellaw.com  
11 jmiller@ericsiegellaw.com

12 Brad J. Moore, WSBA No. 21802  
13 Andrew Ackley, WSBA No. 41752  
14 STRITMATTER KESSLER KOEHLER  
15 MOORE  
16 3600 15th Avenue West, Suite 300  
17 Seattle, WA 98119  
18 Ph: (206) 448-1777  
19 brad@stritmatter.com  
andrew@stritmatter.com

20 *Attorneys for Plaintiffs*  
21

22 **ORDER**  
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24 Having considered the parties' stipulation, and good cause being demonstrated, the Court  
25 hereby ORDERS that the Seattle Children's Motion and the UW Defendants' Motion, as defined  
in the parties' stipulation, will each be limited to 8,400 words or less. Plaintiffs' responses to the  
motions will also each be limited to 8,400 words or less. Any reply briefs by Defendants will be  
limited to half the number of words of Plaintiffs' responses.

26 **IT IS SO ORDERED.**  
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28 Dated this 10th day of December, 2024.  
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33 Barbara Jacobs Rothstein  
34 U.S. District Court Judge  
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1 Presented by:

2 CORR CRONIN LLP

3 s/ Jeffrey B. Coopersmith  
4 Jeffrey B. Coopersmith, WSBA No. 30954  
Kevin C. Baumgardner, WSBA No. 14263  
5 Maia R. Robbins, WSBA No. 54451  
Mark T. Rutherford, WSBA No. 57519  
6 1015 Second Avenue, Floor 10  
Seattle, WA 98104-1001  
7 Ph: (206) 625-8600  
[jcoopersmith@corrchronin.com](mailto:jcoopersmith@corrchronin.com)  
[kbaumgardner@corrchronin.com](mailto:kbaumgardner@corrchronin.com)  
[mrobbins@corrchronin.com](mailto:mrobbins@corrchronin.com)  
9 [mrutherford@corrchronin.com](mailto:mrutherford@corrchronin.com)

10 *Attorneys for Defendants Seattle Children's  
Hospital and Jeffrey G. Ojemann, M.D.*

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